



IN THE UNITED STATES PATENT AND TRADEMARK OFFICIAL

|            |                                 |                             |
|------------|---------------------------------|-----------------------------|
| Art Unit   | : 1637                          | <b>Customer No.: 035811</b> |
| Examiner   | : Heather Calamita              |                             |
| Serial No. | : 09/898,292                    |                             |
| Filed      | : July 3, 2001                  |                             |
| Inventor   | : Michèle Amouyal               | Docket No.: 1231-01         |
| Title      | : CONSTRUCT OF RECOMBINANT      | Confirmation No.: 2241      |
|            | : NUCLEIC ACIDS CIRCULARIZED BY |                             |
|            | : DNA COMPACTING AGENTS         |                             |
|            |                                 | Dated: November 30, 2006    |

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**RESPONSE ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION**  
**UNDER 37 C.F.R. 1.114**

**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action of August 31, 2006, a Response under 37 CFR 1.114 and a Request for Continued Examination has been respectfully submitted.

**Remarks**

**Claim Rejections- 35 U.S.C. §102(b)**

Claims 11-14, 16-18, 22, 23, and 28 stand rejected under U.S.C. §102(b) over Hodgson. The Office Action asserts that Hodgson et al. (US 6,410,220B1 06/25/02) discloses the use of compacting agents in the ligation of larger circular recombinant nucleic acids, and thus anticipates the rejected claims. The Office Action argues that Hodgson discloses the addition of compacting agents prior to the completion of the ligation reaction. However, the Applicant maintains that the context of the statements relied on by the Office Action do not support this position, and specifically disputes the interpretation of the language of col. 23, lines 33-56 of Hodgson set forth in the Office Action.

The Applicant's specification discloses the use of histones and other compacting agents to facilitate the circular ligation of linear nucleic acids. Hodgson describes the use of histones and other compacting agents along with transfection agents, as a method of reducing shearing when transferring already ligated DNA constructs to the cells to be transfected. One skilled in